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FINAL

Minutes of the Delta Protection Commission Meeting of Thursday, May 23, 1996

1. Call to Order/Roll Call.

The meeting was called to order at 7:20 p.m. Commissioners present were: Broddrick, Calone, Fargo, Ferreira, Herendeen, Chairman McCarty, Mello, Potter, Sekelsky, Simas, Thomson, Torlakson, and Yates. Commissioners absent were: Freeman, McGowan, Murphy, Nottoli, and Salmon.

2. Public Comments.

There were no public comments.

3. Minutes of April 25, 1996 Meeting.

On a motion by Commissioner Herendeen, and a second by Commissioner Yates the draft minutes were approved by a voice vote; Commissioners who were absent from the last meeting abstained.

4. Chairman's Report.

Chairman McCarty asked Richard Frank to report on the closed session. Mr. Frank said in a closed session immediately before this meeting, the Commission authorized filing of a friend of the court brief in the California Supreme Court case Akins vs State of California. In addition, in consideration of the litigation brought against the Commission by the Wheelabrator Corporation, no action was taken.

Chairman McCarty announced that the next meeting of the Delta Protection Commission will be on Thursday, June 27, at 6:30 p.m. in the Jean Harvie Community Center, and that the Recreation Subcommittee will meet on May 30 at 4 pm at the Sacramento County Building.

He asked Margit Aramburu to report on the Levee Subcommittee meeting. She said she updated the Subcommittee on regulatory matters related to levee maintenance, and there was a briefing by Commissioner Potter on pending legislation which will affect Delta levees and the Subcommittee voted to have that legislation considered by the full

Commission at the next meeting. Discussion of the levee study was postponed. Chairman McCarty said the pending legislation would provide funding for levee maintenance. He suggested it is important for the Commission to be aware of the legislation and take a position on AB 360 and SB 900.

Chairman McCarty asked for consideration of a resolution of appreciation for Bill Curry, which was distributed at the meeting. On a motion by Commissioner Simas and second by Commissioner Calone, the resolution was adopted unanimously by voice vote.

Chairman McCarty announced upcoming Delta events including: the Crawdad Festival in Isleton on June 14, 15, and 16, and the 10th annual Kids All-American Fishing Derby at Brannan Island State Park, Saturday, June 8, at 9 am.

5. Attorney General's Report.

Mr. Frank reported that in April the State Water Resources Control Board granted approval of an appeal of the Regional Water Quality Control Board's action issuing a General Order authorizing application of sewage sludge on agriculture lands without individual environmental documents. The State Board's action allowed activities started under the General Order as of April 1, 1996 to continue. Those grandfathered activities have been challenged through a lawsuit brought by the Central Delta Water Agency and the South Delta Water Agency.

6. Executive Director's Report.

Margit Aramburu reported that the Delta Penalty Fund was up to $2,308 as of end of April; that the legislation to extend the Commission was approved by the Senate on May 16, and has passed to the Assembly; and that a budget change proposal to fund the Commission if extended was approved by Senate Budget Subcommittee on May 20. Regarding local government plans, she reported that City of Stockton has submitted an incomplete proposal, the Chairman will be sending a letter, and that the Contra Costa County Board of Supervisors approved the proposed general plan amendments on May 14, 1996; final action is scheduled for August.

Ms Aramburu reported on a new federal program--"Incentive Program to Flood Agricultural Lands for Waterfowl Habitat and Central Valley Project Yield Enhancement"--which allows landowners to apply for funds to offset costs of winter flooding for waterfowl habitat. A special supplement on the Delta was recently published by the Contra Costa Times; she will seek copies for the Commissioners.

Commissioner Potter asked if the budget had been approved by the Assembly; Ms Aramburu said she could not recall attending an Assembly Committee hearing. Commissioner Potter expressed concern about the overall budget.

7. Pending Projects Memo.

There were no questions or comments on the pending projects memo.

8. Update on Status of Proposed Regulation and Proposed Amendment to the "Land Use and Resource Management Plan for the Primary Zone of the Delta" (Plan) Addressing Siting of Sewage Treatment Plants and Areas for Disposal of Sewage Effluent and Sewage Sludge.

Ms Aramburu said at the last meeting, the Commission asked to be updated monthly on the status of the pending regulation. Staff has not yet set a date for Commission action, but will do so soon. On associated matters, she talked to Regional Board staff who said they will continue to use the criteria in the General Order to process individual waste discharge permits; they will simply be processed one at a time. Solano County and Yolo County are moving forward with new ordinances, but no action by the Boards. Central and South Delta Water Agencies filed suit against the SWRCB as described by Mr. Frank.

9. Continued Public Hearing and Possible Adoption of Submittal of Sacramento County.

Chairman McCarty announced that the public hearing on Sacramento County's submittal was opened at the last meeting and there were no public comments; no written comments have been received. There were no public comments.

Chairman McCarty closed the public hearing and brought the matter back to the Commission. Ms Aramburu added that Mr. Winter, who was unable to attend, asked her to report that the Sacramento County Planning Policy Committee had reviewed and approved the submittal.

Commissioner Fargo asked if the Commission is reviewing the submittals before the Counties act; Ms Aramburu said the Counties have handled submittals in different ways; Yolo County did review the submittal before submittal to the Commission, some had a subcommittee review the submittal, and some relied on the planning director to submit on behalf of the County.

Commissioner Fargo asked what would happen if the County changed a submittal in the review process; Ms Aramburu said there have been no problems, but if there is a change, she would advise the local government to resubmit an amended proposal to the Commission for review and approval.

On a motion by Commissioner Fargo, with the understanding that if there are changes the County will resubmit the proposed amendments to the Commission, and a second by Commissioner Mello, the motion was approved unanimously by roll call vote (12-0-0).

10. Briefing by CALFED Staff on Ten Alternatives and Status of Planning Process.

Chairman McCarty introduced the speakers from CALFED staff--Dick Daniels and Steve Yeager. He noted that he had sent a letter to CALFED regarding the policies in the Commission's adopted Plan.

Mr. Yeager said CALFED is finishing up the evaluation of alternatives process and is preparing to develop final alternatives. He said they published a progress report with 10 alternatives, and conducted 12 scoping sessions around the state. The comment period ended on May 20, 1996. He passed out a memo with a summary of issues brought up in the scoping sessions. He noted there was a scoping session in Walnut Grove, and a follow-up meeting was held earlier today.

He spoke to the key issues identified including: alternatives did not emphasize water development; need more habitat restoration, not uniform, need specific vision and targets; protect area of origin rights; incorporate watershed management; need water quality at a higher level and in all alternatives; address North Delta flooding issue; emphasize Delta levee stability, flooding and maintenance issues; incorporate emergency response; fund maintenance activities; maintain a common Delta pool for supply and volume as well as stability of levee funding; water use efficiency measures emphasize retirement too much, need to focus more on the ag drainage issue on the west side.

He summarized the comments as dissatisfaction with the way the alternatives were described in ranges--high, medium, or low. The comments said the "best" solution should be developed and used throughout. He distributed materials prepared for the next BDAC meeting. Referencing page 5, he described the programs that should be "common" throughout all the alternatives. He said the difference between the alternatives is in the conveyance. There are four conveyance alternatives: existing; through Delta modification; dual conveyance (thru Delta and small isolated facility); and fully isolated conveyance.

Mr. Daniels reviewed the system recovery program. Alternative F-Extensive Restoration was well received. He said they have put together the DFG Central Valley Action Plan for Anadromous Fisheries, CVPIA, Delta Native Fisheries Recovery Plan, Winter Run Chinook Salmon Recovery Plan, and existing Bay-Delta standards to create a comprehensive program to enhance from the mouth of the Merced River to Shasta Dam, plus enhanced wetlands in Suisun Marsh and San Pablo Bay, plus additional water flows. The program would include "adaptive management" to implement the ideas outlined, perhaps in a yearly evaluation of the program. The program will include monitoring on a project level and the IEP program and a new CVPIA monitoring program. The initial work will be restoration in the Delta.

The schedule for Phase I includes presentation to BDAC; a June 25 public workshop; a return to BDAC with a refined recommendation; and in August approval of a shorter list of alternatives by CALFED itself. The Phase II program will take 1.5 years resulting in a Draft environmental document, with a final environmental document in 1998.

Chairman McCarty asked about additional water allocation for wildlife and fisheries, would that be reallocation, better management, or new water; Mr. Daniels said water could be from a variety of sources. Most would be from new supplies or purchased for that use. He suggested that any new storage would include environmental water.

Commissioner Potter asked about costs; how would the overall program be funded; Mr. Yeager said the ecosystem part of the program could be more than one billion dollars; SB 900 would be a "kick start". The funding plan will be evolving over the next year or so as benefits are defined.

Commissioner Broddrick asked if the question was about the ecosystem component; Commissioner Potter said no, the whole program. Mr. Daniels said the program will include many programs which are already funded and that are already underway, such as the CVPIA.

Commissioner Mello asked if the cost of the "fix" would be borne by the State; Mr. Yeager said the expectation is that a significant part of the cost will be borne by the federal government. He said that many of the programs can be implemented and funded over 15 to 20 years.

Commissioner Potter said in the 1960's the voters approved bonds for the State Water Project, and now the common thought is that no bond act for over one billion dollars will pass.

Commissioner Mello said he thinks people are more distrustful of government now, and many of the promises in the earlier programs have not been kept.

Commissioner Broddrick said there is right now a program in place for a 75-25 federal-state costs share program that is not being used; he asked if SB 900 will fund that program. He also asked about the need for a NCCP-type program to allow for mitigation for some of the proposed restoration projects. Mr. Daniels said the State is 75 million dollars behind in cost share for CVPIA; that funding may be added to SB 900. In addition, there would be Category III measures funded through SB 900, those are non-flow projects. He said he is hoping some mitigation banks are created early on in the process to facilitate levee reconstruction. He said CALFED includes all the agencies that regulate activities in the Delta and this is a unique opportunity to develop a permit review team to develop solutions to some of these problems.

Commissioner Broddrick asked if there would be programmatic permits, versus a project-by-project permits. Mr. Daniels said the Corps is open to that idea.

Commissioner Potter brought up the problems DWR has had installing the temporary barriers in the Delta this year, even though the barriers are approved by many of the agencies. Mr. Daniels acknowledged the problems and challenges.

Commissioner Broddrick asked if CALFED is thinking about possible amendments to CEQA and CESA to allow work to go forward under a programmatic approach.

Commissioner Potter said many agencies on the DPC have been involved with GP 14, and those matters are still not resolved.

Chairman McCarty asked the definition of NCCP; Mr. Daniels said Natural Communities Conservation Plan, a comprehensive look at endangered species habitat on a broad scale so individual projects are not of so much concern. He said what is proposed in the Delta is enhancement of all habitats, not just habitat for one species.

Mr. Yeager thanked Margit Aramburu for her assistance in setting up the scoping meeting and the follow-up meeting.

11. Public Hearing and Possible Commission Adoption of Budget and Work Plan for FY 96-97 (Through January 1, 1997 only).

Chairman McCarty suggested that this item be postponed and agendized for the next regular Comission meeting; the Commission concurred.

12. Commissioner Comments.

Commissioner Potter recommended the Crawdad Festival.

Commissioner Mello reported that the North Delta Conservancy is participating in an egg recovery program, saving 250 to 300 ducks that otherwise would have been lost to agricultural activities.

13. Adjourn.

The meeting was adjourned at 7:20 p.m.